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Chairman: Mr. Al Bayati ..... (Iraq)

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The meeting was called to order at 10.20 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/61/12 and Add.1, 224 and 301)

1. **Mr. António Guterrez** (United Nations High Commissioner for Refugees), introducing his report (A/61/12 and Add.1), said that, in the past year, there had been a number of far-reaching developments in the political and humanitarian context in which the Office of the United Nations High Commissioner for Refugees (UNHCR) worked. Population movements were an incontrovertible global phenomenon, and called for the active role of UNHCR in ensuring asylum in mixed migration flows. New forms of inter-agency cooperation were changing the way in which UNHCR assisted internally displaced persons and humanitarian agencies accessed funds.

2. The pattern and scale of change had posed two major challenges for UNHCR, namely, the need to reassess its mission — UNHCR must remain faithful to its mandate while adapting to the demands of the changing world — and the need for deep structural and management reform in order to strengthen its effectiveness and enhance its capacity to generate more resources to support those it cared for.

3. UNCHR had become an integral part of the collective response by the United Nations system and the broader humanitarian community to situations of internal displacement, and had assumed leading responsibility for protection, camp coordination and management and emergency shelter in situations of conflict-generated displacement.

4. The cluster leadership approach had opened up new opportunities for sustainable solutions, and lessons learned from its implementation in the pilot countries — Uganda, the Democratic Republic of the Congo, Liberia and Somalia — would guide UNHCR in the future. In Uganda, for example, it had been instrumental in the return home of more than 300,000 refugees and displaced persons, transforming a tragic humanitarian situation into a success story. Clusters in other countries were working together to identify gaps, coordinate assistance and plan returns. UNHCR had underscored that the approach should be flexible and adaptable to the situation on the ground, its framework should be light and non-bureaucratic, and humanitarian actors should cooperate closely as strategic partners in its ongoing development and implementation. In countries in which the cluster approach had not yet been implemented, UNHCR was responding to the needs of the people in accordance with its capacities. It was currently reassessing those capacities in Colombia, Sri Lanka and the North and South Caucasus, and had been encouraged by the request of the United Nations country team in Côte d'Ivoire for a protection cluster.

5. Population movements were of critical importance to the UNHCR mission. The curbing of illegal migration was not only a question of controlling borders, but also called for international cooperation in the management of migration flows, an effective crackdown on smugglers and traffickers, the creation of genuine opportunities for legal migration and development cooperation strategies to provide the most vulnerable persons with assistance and alternatives to illegal migration. While such activities did not fall within the competence of UNHCR, population movements were increasingly taking the form of mixed flows accounted for not only by migrants, who formed the large majority, but also persons in need of international protection. The role of UNHCR was to help create an environment in which the latter could be identified, afforded protection and granted access to asylum procedures and fair treatment of their claims. Measures aimed at curbing illegal migration must not be allowed to call those rights into question.

6. Protection capacity must be built in all countries of origin, transit and destination, both in the North and in the South. The 10-point plan of action adopted by UNHCR in 2005, to be piloted in North Africa and southern Europe, set out practical support for States and measures that could be incorporated into migration procedures in order to address asylum without compounding issues relating to irregular migration.

7. UNHCR fully supported the High-level Dialogue on International Migration and Development and the Global Migration Group, and stood ready to support any initiative emerging from those forums.

8. Protection remained at the core of the UNHCR mandate, including the new focus on internal displacement and the migration-asylum nexus. At a time of rising intolerance fuelled by security concerns and confusion in the public mind between migrants and refugees, protection also meant firmly opposing

refoulement, rebuilding trust in asylum systems and guaranteeing respect for international refugee law, which could not be superseded by national legislation or extradition treaties or redefined by bilateral arrangements. The strengthening of protection by building skills, institutions and coalitions was an instrument of international cooperation and solidarity that facilitated fair burden sharing.

9. Protection was also at the heart of UNHCR efforts to reduce statelessness. In order to build on its successes in helping to reduce statelessness — which included practical assistance to Ukraine, the former Yugoslav Republic of Macedonia and Sri Lanka and a cooperation programme with the Russian Federation — UNHCR planned to introduce specific measures to reduce and prevent statelessness, such as birth-registration campaigns, population censuses, electoral assistance and public awareness.

10. UNHCR welcomed voluntary repatriation and had actively promoted community-based projects in areas of origin to that end. However, it was deeply concerned at the difficult conditions that returnees often faced, particularly lack of infrastructure and institutions as a result of conflict and neglect, insecurity, human-rights violations, potential crop failure and a lack of viable options for income generation. Their enthusiasm and hope could be short-lived in such conditions, and they might be tempted to leave the country once again. Their needs in such situations were enormous, and refugees themselves were often wary of repatriation. The international community must understand the importance of improvements that could be achieved rapidly in order to gain the confidence of persons in post-conflict situations. UNHCR promoted returns only once minimum conditions had been met and it was able to verify that returnees would be safe following repatriation.

11. The international community routinely ignored the fact that returnees could not live on hope alone, and was inefficient in addressing transition problems in post-conflict situations. UNHCR therefore welcomed the creation of the Peacebuilding Commission, and was eager to work actively with it. It had seconded a staff member to one of the Peacebuilding Support Offices, and would participate fully in the development and implementation of the peacebuilding strategies being developed in Burundi and Sierra Leone.

12. In the past year, emergency UNHCR teams had been active in Lebanon, Timor-Leste, northern Pakistan and northern Kenya. Worldwide, UNHCR was working to increase its speed and efficiency in deploying expert staff and relief aid. However, scope for UNHCR intervention was often severely constrained in crisis situations, as in Darfur. In Iraq, increasing displacement had led UNHCR to re-examine its work and priorities throughout the region. There was no clear framework for the exercise of the responsibility to protect.

13. Earlier in 2006, UNHCR had embarked on thorough structural and management reforms, with a view to becoming more flexible, more effective and more results-oriented. That process would also reflect broader United Nations reform, particularly with respect to the review of governance and oversight mechanisms. UNHCR aimed to ensure that its procedures, structure and staff were fully able to meet the new challenges. To that end, it was examining the kind of field support that could be moved closer to points of delivery, the cost-effectiveness of its administrative services and the question of whether those services should remain in Geneva or be relocated. In the field, it was reassessing its deployment of staff and the scope and impact of its activities as compared to activities implemented through partnerships with other agencies.

14. UNHCR must be sensitive to the legitimate concerns of staff. The reforms would help in improving working conditions, to which end an annual global staff survey and a management assessment framework were soon to be introduced. UNHCR was also addressing the problems of staff welfare at difficult duty stations, and would fully comply with minimum operating security standards, regardless of cost. He paid tribute to the courage and sacrifice of UNHCR staff members who had lost their lives in the past year.

15. UNHCR must channel its resources first and foremost towards direct assistance for refugees — including support for repatriation, access to medication, and prevention of and responses to sexual and gender-based violence — and towards the agency itself only where strictly necessary. However, it needed political and financial support. In that regard, he welcomed the significant increase in donor contributions in 2006, and appealed to States that could afford to do so to do more. In view of the enlarged role of UNHCR, he hoped that main donors would increase

their contributions. UNHCR had also received support in 2006 from the Central Emergency Response Fund, which had enabled it to address new emergencies in Sri Lanka and Timor-Leste and the recent influx of Somali refugees in Kenya and to support chronically underfunded operations in other parts of Africa. Its supplementary budgets for repatriation operations in the Democratic Republic of the Congo and the Sudan and the protection of internally displaced persons in Darfur had also benefited from pooled funds.

16. UNHCR was committed to fulfilling its mandate with humanity, humility and efficiency and persisting in its efforts to reach a greater number of those in need of protection.

17. **Mr. Bâzel** (Afghanistan) said that his Government was resolved to overcome the legacy of years of conflict, and was making every effort to create the necessary conditions for the voluntary, safe and dignified return and reintegration of Afghan refugees and internally displaced persons. However, the problems identified in paragraphs 38 and 39 of the High Commissioner's report and the lack of major economic projects that could create jobs were among the many difficulties faced by returnees. There was a high concentration of returnees in major urban areas, and lack of shelter and basic services had placed an extreme burden on limited resources. While acknowledging the huge burden on countries hosting Afghan refugees, he underlined the importance of the principles of international law with respect to the protection of refugees.

18. Taking into account the lessons learned from the situation in Afghanistan and the fact that the large-scale return of refugees added to the problems faced by countries emerging from conflict, he asked the High Commissioner whether UNHCR might consider the possibility of arranging a gradual return of refugees and internally displaced persons, enabling the Government of the country in question to provide services, ensure the safe and dignified return of refugees and create conditions conducive to settlement in areas outside urban centres.

19. He noted that refugees often became socially integrated in host countries, in which they had joined the workforce. Given that their work entitled them to certain rights and social benefits, he asked the High Commissioner how he viewed their plight in such situations.

20. **Mr. António Guterrez** (United Nations High Commissioner for Refugees) said that the situation in Afghanistan represented one of the greatest failures of the international community to provide effective assistance during transition. While the international community was well able to respond to emergencies and knew how to support States in crisis situations, responses in the area of development tended to be slow, and effective aid often came too late. Capacity-building and the establishment of good governance were lengthy processes, and reconstruction and development must be carried forward in the intervening period.

21. It was therefore essential to expedite cooperation among States, United Nations agencies, international financial institutions and the donor community so as to ensure that rapid improvements were made in such situations, including labour-intensive infrastructure projects, improvements in various social areas and support for rural communities in re-establishing economic activities. Such measures were vital in consolidating peace and enabling internally displaced persons and refugees to return home.

22. While UNHCR agreed that it was necessary to organize returns gradually and in conditions of safety and dignity and would do its utmost to make that return gradual, it had learned from experience that, when conflicts ended, a vast number of people wished to return to their homes quickly and often immediately, and unless UNHCR supported them, they would act of their own accord. It was therefore difficult at times to reconcile the will of the people with the need for a gradual approach.

23. UNHCR was continuing to cooperate with the Governments of Afghanistan and Pakistan to enable remaining refugees to return home and to increase the effectiveness of protection mechanisms. Both Governments rejected the idea of forced returns, which was encouraging, given the growing complexity of regional situations. There was greater dialogue between those and other countries on the problems of flows, movement and migration among them. Regional agreements among States were crucial in managing those movements in a dignified and effective manner.

24. **Mr. Vohidov** (Uzbekistan) expressed his appreciation for the work undertaken by UNHCR to assist Uzbekistan in receiving refugees from

Afghanistan and Tajikistan and subsequently enabling them to return home.

25. Referring to paragraphs 20 and 44 of the report regarding the emergency status determination and resettlement of Uzbek refugees in July 2005, he said that it was difficult to understand why UNHCR had deemed it appropriate to grant refugee status to fugitives from justice who were charged with criminal offences in connection with the events that had taken place in Andijan. The Government of Uzbekistan had requested their extradition in accordance with international norms.

26. **Mr. António Guterrez** (United Nations High Commissioner for Refugees) said that UNHCR had decided, in close cooperation with the Government of Kyrgyzstan, that the status of the Uzbek nationals in question should be determined in a location far from the events that had taken place, which was in line with normal UNHCR procedure. The resettlement procedure involved thorough application of the UNHCR methodology for refugee status determination, which took a number of concerns into consideration in order to ensure that refugee status was granted in accordance with the Convention relating to the Status of Refugees and other international instruments relating to human rights and humanitarian law. Resettlement countries also accepted refugees in accordance with those instruments. International refugee law could not be superseded by bilateral arrangements for extradition.

Agenda item 65: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism and racial discrimination (*continued*) (A/61/18, 186, 260 and 335)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/61/337)

Agenda item 66: Right of peoples to self-determination (*continued*) (A/61/333 and 341)

27. **Mr. Akram** (Pakistan), speaking on item 66, said it was the universal recognition of the right to self-determination of peoples that had led to the independence of most of the States Members of the United Nations. The realization of that most fundamental collective human right was a prerequisite for guaranteeing all other human rights, and its existence continued to engender hope among millions of the poor and vulnerable deprived of the right to chart their own destiny.

28. Four principles connected with that right needed to be constantly reaffirmed: that the forcible occupation of the territory of a people whose right to self-determination had been recognized was a clear violation of international law and of the Charter; that the right to self-determination could be exercised freely only if it was unfettered by overt and covert coercion and influence and could not be exercised freely under conditions of foreign occupation and repression; that it was immutable and could not be extinguished by the passage of time; and that the legitimacy of the struggles of peoples for self-determination could not be compromised by tarnishing it with the tar brush of terrorism.

29. The free exercise of the right to self-determination had been denied in several parts of the world, such as Jammu and Kashmir, and Palestine. Six decades had passed since the Kashmiri people had been promised the exercise of that right by the Security Council, which had more than once pronounced that the area's future would be decided through a free and impartial plebiscite conducted under United Nations auspices. Pakistan, having gained its own independence through the exercise of that right, had based its position on the Kashmir issue on the United Nations Charter, international law and the Security Council resolutions.

30. After decades of confrontation and conflict, largely over Jammu and Kashmir, Pakistan and India had been engaged in a three-year dialogue to resolve the issue, which had led to agreement on several confidence-building measures, including the resumption of transport links in the wake of the 2005 earthquake. The President of Pakistan had advanced several creative ideas and it had been agreed to continue the search for mutually acceptable options for a peaceful negotiated settlement. There was now a need to build on points of convergence and reduce points of divergence. Any durable solution would require flexibility and boldness on both sides and must be acceptable to Pakistan and India and, above all, to the Kashmiri people.

31. **Ms. Escobar-Gómez** (Bolivarian Republic of Venezuela) said her country rejected any form of discrimination. Any doctrine of superiority based on racial distinctions was scientifically false, morally

wrong, socially unjust and politically dangerous. Venezuela, a multi-ethnic, multicultural society composed of black, white and indigenous people and, latterly, of immigrants from all corners of the world, was proud of its racial mix and had created a culture of tolerance and respect for diversity. Under its Constitution, immigrants were entitled to residence and dual nationality.

32. In accordance with the Durban Programme of Action, the country was endeavouring to eliminate all forms of racial discrimination, especially against the indigenous and Afro-Venezuelan population groups. Normally the victims of racially stereotyping, those groups were directly involved at all stages of the National Plan, particularly in programmes to eradicate poverty, now the main cause of discrimination and intolerance. The measures taken to that end included the creation of a presidential commission to combat discrimination in the Venezuelan education system.

33. Her delegation welcomed the initiative of the countries of the Caribbean Community (CARICOM) in submitting the first draft resolution to commemorate the two-hundredth anniversary of the abolition of the Transatlantic slave trade, thus instilling in the collective human memory the fate of millions who had died in slavery because of the colour of their skin, their culture or their thinking, and placing it on the United Nations agenda.

34. Nevertheless, prejudice, racism and inequality persisted. It was important to be alert to new and emerging forms of discrimination. While the vast majority of the world was fighting intolerance, empires were building walls based on ideas of racial or national superiority. It was regrettable that in the United States terrorists were treated like privileged immigrants while immigrants from the South were treated like terrorists. Migrants were pursued, hunted down and exploited. She hoped that terrorist Luis Posada Carriles, protected by the United States Government, would soon be extradited, along with other individuals accused of carrying out attacks against diplomatic premises in Venezuela.

35. With regard to self-determination, her country rejected any attempt to prevent the self-determination of peoples, national unity and the territorial integrity of States and made common cause with Puerto Rico, Argentina and Palestine. She called on the international community to promote programmes to provide actual or potential victims of intolerance with access to development. Unless the major imbalances in the world were halted and reversed, no walls would suffice to hold back the hordes of the poor worldwide, seeking what the more powerful had always denied them. It was time for the United Nations to place the same emphasis on the fight against racism as it did on other issues so as to achieve a more just international order.

36. **Ms. Abdelhak** (Algeria) said that although the International Convention on the Elimination of All Forms of Discrimination and the Durban Declaration and Programme of Action had made for unquestionable progress in the fight against racism and the achievement of social harmony, their provisions had still not been fully implemented. The fact that racism had become a commonplace posed a genuine threat to democratic progress and a culture of tolerance, both indispensable to a multicultural society.

37. The time had come to reverse that trend, one way being the adoption of the Durban review process proposed by the Group of 77 and China in its draft resolution on racial discrimination, which would enable the international community to renew its commitment to combat racism, measure its progress and devise ways of implementing the recommendations of the special rapporteurs. In that connection, her delegation endorsed the CARICOM proposal to commemorate the two-hundredth anniversary of the abolition of slavery on 25 March 2007.

38. Expressing concern at contemporary forms of discrimination, including religious defamation, especially Islamophobia, she said the crisis had been engendered by the irresponsibility of the media, which in the past year had attacked Muslims' most sacred symbols. Strangely, such conduct had been justified on the pretext of freedom of expression, with total disregard for the proscription of any form of incitement to racial or religious hatred and violence, set forth in the International Covenant on Civil and Political Rights. The organization by the Human Rights Council of a conference on dialogue between civilizations would be a good opportunity for a renewed alliance between cultures and civilizations, conducive to the harmonious coexistence of nations, and would strengthen the United Nations role in inter-religious and intercultural dialogue.

39. The right to self-determination had enabled most of the peoples represented at the United Nations,

including her own, to free themselves from the colonial yoke. The people of Western Sahara had been waiting for three decades to exercise that right and, despite its unanimous approval by the Security Council, the 2003 Peace Plan had still not been implemented, nor had the referendum on self-determination advocated in the Houston Agreement been held. Postponement of the referendum and the quest for an alternative solution undermined the Organization's role and prolonged the suffering of the Saharawi people and the violation of their rights.

40. In occupied Palestine, meanwhile, the Palestinian people continued to be denied the right to self-determination and their legitimate aspirations to build their own State on their land. A just and final settlement in Palestine and Western Sahara, with respect for the rights of their peoples, would boost the international community's efforts to establish the rule of national and international law.

41. **Mr. Dukali** (Libyan Arab Jamahiriya) said that the Durban Declaration was an important part of the international community's efforts to combat racism and religious discrimination. Nevertheless, that phenomenon continued to be on the rise. His delegation condemned the defamation of religion, particularly specific acts which had targeted Muslims in recent years. Following the tragic events of 2001, terrorism had been confounded with Islam and a fierce campaign had been carried out in Western countries, which in turn had allowed for the rise of extreme right-wing movements. Those movements had been able to spread their hatred towards Islam and notions of ethnic and cultural superiority in the media in the guise of freedom of expression, preferring a clash among civilizations to genuine dialogue among religions based on mutual understanding and respect.

42. His Government supported the plans by CARICOM to commemorate the two-hundredth anniversary of the abolition of slavery. It was a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The use of private companies for military purposes was nothing short of a new means of employing mercenaries. His delegation urged all countries to abide by that Convention. The Libyan Arab Jamahiriya was also a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It noted with concern the rise in the incidence of racial discrimination and mistreatment of refugees and migrants in developed countries, and called on the international community to implement all relevant United Nations agreements to promote and protect the legitimate interests and rights of migrant workers.

43. His Government advocated the right of people to self-determination. It noted with grave concern the suffering of the Palestinian people in the occupied territories and the acts of coercion and discrimination against them. It was also concerned about the ongoing destruction of their houses, deportations, uprooting of fruit trees and construction of the separation wall, despite the objections of the international community and in violation of United Nations resolutions and the right of Palestinians to establish an independent and sovereign State.

44. **Ms. Rasheed** (Observer for Palestine) said that for nearly four decades the Palestinian people living in the Occupied Palestinian Territory, including East Jerusalem, had been deprived of the right to self-determination by Israel, the occupying Power, in the most brutal manner. Self-determination and foreign occupation were fundamentally opposed to each other. The Israeli occupation had resulted in the systematic violation of a range of individual and collective rights of the Palestinian people, including the right to liberty and security of person, the right to freedom of movement, the right to control their own natural resources and many others. The violations involved illegal settlements, closures, checkpoints, home demolitions, land confiscation, the destruction of crops and wanton killings by illegal settlers and the occupying forces.

45. Israel had used tanks, aircraft and sonic booms to terrorize the Palestinian civilian population. The full force of its lethal arsenal had resulted in the death of more than 4,300 Palestinians, including 850 children, and at least 50,000 injuries, many of which were permanent.

46. Israel's expansionist wall and confiscation of Palestinian land also infringed on the right of the Palestinian people to self-determination, in violation of international law and the advisory opinion of the International Court of Justice of 9 July 2004. The illegal settlements and the wall were seriously undermining the territorial integrity and contiguity of the Palestinian territory and thus making the vision of a two-State solution, and the Palestinian people's true

enjoyment of their right to self-determination, nearly impossible.

47. The Palestinian people would never succumb to the occupation or be forced by military means to relinquish their legitimate struggle for freedom and independence. The enjoyment by the Palestinian people of the right to self-determination and independence was essential for the achievement of a comprehensive, permanent and lasting peace in the Middle East. Her delegation would be submitting a draft resolution on the right of the Palestinian people to self-determination. She trusted that Member States would send a strong message of solidarity with the Palestinian people by adopting the resolution by consensus.

48. **Mr. Sinha** (India) said that full implementation of the Durban Declaration and Programme of Action was essential for fostering social harmony for all. The call by the Special Rapporteur on contemporary forms of racism to promote the link between the struggle against racism and xenophobia and the recognition and promotion of multiculturalism should be explored further.

49. Mahatma Gandhi had made a historic contribution to efforts to combat racism. Adequate safeguards had therefore been built into the Indian Constitution and Penal Code against the dissemination of ideas that promoted disharmony in the country. In addition, an energetic and committed non-governmental sector in India provided the necessary support for eliminating discrimination.

50. India had played a leading role in the struggle for decolonization and was at the forefront of the movement to secure the right of peoples to self-determination. In the case of Palestine, that task remained unfinished. India had maintained its unwavering support for and solidarity with the people of Palestine to that end. India had joined in voicing its concern over the endless cycle of violence which had characterized that conflict. It was critical for the international community, in particular the Quartet, to work closely with the parties so that the peoples of Palestine and Israel might live in peace, side by side, within recognized and secure borders, thus realizing the right to self-determination of the Palestinian people. The legitimate freedom struggle of the Palestinian people must not be undermined by equating terrorist activities with that struggle.

51. No right, including the right to self-determination, should be used as an instrument to promote subversion and erode the political cohesion or territorial integrity of Member States. The right to self-determination could not be abused to encourage secessionism and undermine pluralistic, democratic States. Ethnic or religious segregation and chauvinism could not be legitimized on the ground that societies needed to be constituted on homogenous lines before they could be tolerant towards diversity and accept multiculturalism. Such a view would only aid the forces of ethnic, religious and racial exclusivity.

52. **Mr. Martirosyan** (Armenia) said that many of the current unresolved conflicts resulted from the suppression of peoples' aspirations for self-determination. Those who denied that right often invoked the principles of sovereignty and territorial integrity while ignoring the human rights perspective, which was crucial for the security, well-being and development of the people concerned.

53. There were various forms of self-determination, including secession, full integration, autonomy and confederalism. Each claim for self-determination must be based on its merits and against its historical, political and legal background. The defining element in all such claims was the level of trust between various constituencies, including confidence in the central authority and its willingness to ensure the dignity and rights of all its citizens regardless of their race, religion, culture or beliefs.

54. It was impossible to trust a Government with a record of discrimination and persecution of its citizens, including pogroms, ethnic cleansing, and even full-scale war. People who had had to defend their very lives against an abusive Government and had succeeded in establishing a democratic society based on respect for human rights and the rule of law would hardly agree to return to the rule of a Government that considered democracy a favour rather than duty.

55. Referendums were among the most effective means of determining the level of a people's trust in their Government; they did not automatically result in secession. Regardless of the form of self-determination chosen, however, it was imperative to provide people the opportunity to decide on their own future.

56. **Ms. Eilon Shahar** (Israel) said that Israel knew from bitter experience the deep trauma inflicted by racism, as it had been a reality for the Jewish people

for centuries. Israel reiterated its unwavering commitment to oppose all forms of racism and discrimination.

57. Racially motivated crimes were becoming all too common. 2005 had witnessed a significant rise in the number of anti-Semitic incidents worldwide. A recent British parliamentary report on anti-Semitism in the United Kingdom documented that clear trend and pointed to the urgent need for greater study and data collection.

58. The latest ugly wave of anti-Semitism had swept both Europe and the Middle East. Iran, in particular, had been a source of the vilest anti-Semitic rhetoric heard anywhere. Its President has repeatedly denied the Holocaust and openly called for Israel to be wiped off the map. Those odious statements, aimed at inciting violent attacks against Israel and Jewish people around the globe, were a wake-up call to the international community to stand with a resolute, unwavering voice against that dangerous regime and condemn its racist ideology.

59. The spike in the number of anti-Semitic incidents around the world had been accompanied by a deliberate conflation of legitimate political discourse with anti-Semitism. Israel supported meaningful political dialogue: as a democratic State with a pluralist and open society, such discourse occurred among the Israeli public on a daily basis. However, there was a delicate balance between legitimate freedom of expression, even of unpopular opinions, and incitement. Israel concurred with the findings of the Special Rapporteur on contemporary forms of racism in his report (A/61/335) on the increase in racist political platforms.

60. During the Holocaust, most of the world had stood by silently while the most horrific genocidal violence was unleashed. Tragically, as in the case of Rwanda in 1994 and more recently in Darfur, the international community had not learned its lesson.

61. There were encouraging signs, however, that in recent years the fight against anti-Semitism and racism had gained new momentum. Israel supported the Special Rapporteur's call for combating racism through political means, including appropriate legislation, and a long-term commitment to education through cross-cultural and inter-religious dialogue. Religious communities from all traditions also had a role to play and could be effective in moderating radical elements. Israel was encouraged by the adoption of General Assembly resolution 60/7 on Holocaust remembrance. The widespread escalation of racism and anti-Semitism in particular should serve as a call to action to fully implement that resolution.

62. **Mr. Tulbure** (Moldova) said that, in Moldova, respect for the ethnic, cultural, religious and linguistic identity of all ethnic communities prevailed. His Government had reviewed and amended its national legislation to harmonize inter-ethnic relations and combat all forms of discrimination.

63. Moldovan legislation on citizenship and official languages was among the most liberal in Eastern Europe. In 1991, when Moldova had regained its independence and sovereignty, all those living in the territory of Moldova, regardless of their ethnic origin, religion or race, were granted Moldovan citizenship. Moldovan law protected the constitutional rights and freedoms of citizens, regardless of their language. Moldovan law also protected the rights of national minorities, prohibited any form of discrimination against them and helped to preserve and promote their ethnic, cultural, religious and linguistic identity. Moldova had formally been declared a multicultural and multi-ethnic society. Moldova had also signed a number of bilateral treaties with States having ethnic minorities in their territory, including Ukraine, the Russian Federation, Turkey, Bulgaria, Belarus and Poland.

64. His Government had also enhanced academic curriculums and instituted programmes on human rights to promote respect for all human beings and peoples. It ensured the right to choose the language of education at all levels. It included the history of national minorities in an effort to promote mutual understanding and lay the basis for a multicultural society.

65. His Government had made efforts to improve the situation of the Roma people in Moldova, including measures to promote employment, school enrolment and youth culture. His Government was implementing the International Convention on the Elimination of All Forms of Racial Discrimination; no cases of discriminatory acts as defined in the Convention had been registered in Moldova. His Government would continue to cooperate with the international community to eliminate racial discrimination wherever it occurred.

66. **Ms. Halabi** (Syrian Arab Republic) said that recent examples of xenophobia and discrimination against foreigners as well as the defamation of religions, particularly Islamophobia in developed countries, were a source of concern. Priority attention should be given to addressing those issues.

67. Foreign occupation and the repression of peoples should never be accepted or tolerated, as the right to self-determination was fundamental. Her Government made tireless efforts to support the struggle of peoples under occupation and colonial rule so that they might exercise their right to self-determination. It noted with regret that, despite the many resolutions concerning Palestine adopted by various bodies, they had failed to enable the Palestinian people to enjoy the right to self-determination. Palestinian refugees had remained hopeful for some 50 years that they would return to their homeland, from which they had been cast out by the Israeli occupying Power through armed force, State terrorism and bloody massacres, in violation of international law.

68. Racism was among the most dangerous phenomena, based as it was on extremist thinking which could easily be translated into practice. Racism had been spread, especially against Arabs and Muslims, on various pretexts, including efforts to combat terrorism. As the Special Rapporteur had pointed out in his statement, in some countries counter-terrorism legislation was based on purely racist considerations. Furthermore, some political platforms were based on racism and xenophobia. Racism was reflected in the reproduction of caricatures in European dailies, which had offended Muslims worldwide. The caricatures went beyond the principle of freedom of expression and contravened international rules which struck a balance between freedom of expression and freedom of religion and prohibited incitement to hatred. Such practices reflected a lack of sensitivity and respect for religious beliefs and demonstrated that some States preferred confrontation to dialogue.

69. **Mr. Petranto** (Indonesia) expressed concern at the rise of racist violence, and at the resurgent activities of associations with racist and xenophobic platforms in some parts of the world, using political alliances to proclaim democratic legitimacy. Member States should pay close attention to the link between combating racism and xenophobia on the one hand, and the construction of a democratic, interactive, multicultural society on the other. There was need for a strategy to combat racism through education and for initiatives to encourage cross-fertilization among different national communities. Dialogue through education helped to inculcate respect for diverse identities.

70. Only through dialogue would Westerners learn how wrong they were to attribute to Islam a propensity to violence. To that end, Indonesia had actively promoted interfaith and intercultural dialogue in order to undermine terrorism while strengthening the voice of moderation. His country, together with Norway, had also hosted the first Global Inter-Media Dialogue — henceforth to be an annual event — to raise media sensitivity to diverse cultures and faiths without compromising freedom of expression.

71. Freedom of expression entailed duties and responsibilities and could therefore be subject to restrictions, as set forth in the International Covenant on Civil and Political Rights: respect for the rights or reputations of others and protection of national security or public order and public health and morals. The Committee on the Elimination of Racial Discrimination must increase its efforts to prevent racially motivated offences and ensure that criminal-law provisions were implemented by States. Action should be taken to address poverty and underdevelopment, on which racism thrived. Since a partnership for development was a partnership for peace and therefore for human dignity, the Committee should stress the importance of political will to combat racism and xenophobia.

72. The long suffering of the Palestinian people, in no small measure attributable to racism, must be brought to an end. Indonesia — whose right of self-determination had for more than 300 years been in the hands of foreigners — stressed the right of the Palestinian people to self-determination and the creation of an independent Palestinian State.

73. **Ms. Adjalova** (Azerbaijan) said that her Government's policy and activities took into account the norms and principles of international law, including on the right of peoples to self-determination. That right could not apply to the Armenian population in the Nagorny Karabakh region of Azerbaijan, as they were a minority residing in the territory of a sovereign State.

74. Any dispute over which State Nagorny Karabakh belonged to was senseless, as were the illusions on the right of that region's Armenian community to self-determination in the context of secession. The Security

Council, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe and its Parliamentary Assembly had called for the unconditional withdrawal of the occupying forces from all occupied territories of Azerbaijan, the restoration of its sovereignty and territorial integrity and the creation of favourable conditions for the safe return of the displaced population.

75. Settlement of the conflict should be based primarily on restoration of the territorial integrity of Azerbaijan and preservation of the identity of the Armenian minority living in its territory. While international law did not recognize the right of minorities to self-determination, her country reiterated its willingness to confer the highest degree of self-rule on Nagorny Karabakh within Azerbaijan. However, the other party to the conflict should heed the relevant resolutions of the Security Council and stop imposing its own interpretation of international law, including the right of self-determination.

76. **Mr. Omidzamani** (Islamic Republic of Iran) said that the adoption of the Durban Declaration and Programme of Action had been a defining moment in the collective campaign against racism and discrimination. His delegation appreciated the work done to implement those instruments. Joint action against racism at all levels was indispensable, and his Government would continue to cooperate closely with the international community in order to eradicate that scourge.

77. He agreed with the Special Rapporteur that Islamophobia was more political and ideological than religious. The tendency to divide the world on the basis of religion posed a real danger to peace and security. Respect for cultural diversity was required, rather than the practice — especially by politicians, officials and the media — of publicly abhorring religious practices and ideologies. Public opinion should be protected from "phony" mass media in order to safeguard freedom of expression.

78. The international community should rebuild its multicultural identity and create an atmosphere conducive to the coexistence of different religions. Defamation, especially the blind interpretation of Islam and likening it to terrorism and violence, would affect the tolerance of Muslim communities. A global effort to combat all forms of racial discrimination was needed. His Government would continue to pursue policies on the basis of equality and justice for all, and called on all political leaders to continue international efforts to eradicate racism and phobias, and to build an inclusive society which reflected the true ethnic, religious and cultural diversity of its people.

79. **Ms. Zhang** Dan (China) said she wished to clarify that her delegation endorsed the role that education played in preventing racial discrimination. Education should focus on historical facts in order to help younger generations to understand and better respect other nations and cultures, and prevent tragedies from recurring. That should apply to all countries, whether multi-ethnic or not, and it was her Government's policy to foster friendly relations with other countries to that end.

80. **Ms. Simovich** (Israel), speaking in exercise of the right of reply, said that Israel supported the Palestinian people's right to self-determination, but not at the expense of the safety and security of Israel and its people. Palestine was being led by the terrorist organization of Hamas, whose refusal to accept the three basic conditions outlined by the Quartet and adopted by the international community was proof that it was not interested in living side by side with Israel. Furthermore, Hamas leaders had stated that their party did not recognize the State of Israel or its right to hold on to any part of Palestine, and that blood and machine guns were its language.

81. Israel had long recognized the legitimate rights of the Palestinian people, as in the Camp David Accords and other agreements that respected aspirations for an end to the conflict and implementation of those rights. However, the Palestinians had not followed through with a dialogue for peace: by electing Hamas to power, they had instead chosen a war of terror and were impeding their own self-determination.

82. The security fence had been set up to protect the Israeli population, as part of Israel's moral responsibility and right to protect its citizens. Israel was acting in self-defence against the ongoing terrorist attacks from Gaza, carried out by launching Qassam rockets on Israeli communities.

83. Delegations which had expressed their support to Palestinians should exercise their influence to convince the Palestinian leadership to recognize the State of Israel and abandon terrorism. She hoped the Palestinian people would bring forth a leadership that recognized its responsibility to Palestine and its

neighbours, which would lead to self-determination, without destruction of others.

84. **Mr. Margarian** (Armenia), speaking in exercise of the right of reply and referring to the statement by the representative of Azerbaijan, said that prior to Soviet rule in the southern Caucasus, Nagorny Karabakh had been separate from modern-day Azerbaijan, with the power to make its own decisions and enter into agreements on behalf of its population. During the 70 years of Soviet rule in Azerbaijan, the region had enjoyed the right of self-government. Nevertheless, Azerbaijan had carried out a policy of ousting Armenians from the country and assimilating the non-Azeri population. After the collapse of the Soviet Union, Azerbaijan had unleashed full-scale warfare for the forceful incorporation of that region into its territory, including through ethnic cleansing.

85. Nagorny Karabakh had enjoyed greater autonomy during Soviet rule than Azerbaijan was currently ready to provide. Any claim by Azerbaijan for territorial integrity and sovereignty over Nagorny Karabakh was illegal, since that region had never been part of the independent Republic of Azerbaijan. Non-applicability of the principle of territorial integrity was well-grounded in international law.

86. The people of Nagorny Karabakh had already exercised their right to self-determination through a referendum held in 1991, for the secession of Nagorny Karabakh from the Azerbaijani Soviet Socialist Republic, five days prior to the disintegration of the Soviet Union, at which point Azerbaijan had been recognized by the international community as a sovereign State. Therefore, Nagorny Karabakh could not be considered an integral part of the current-day Republic of Azerbaijan.

87. **Ms. Rasheed** (Observer for Palestine), speaking in exercise of the right of reply, said that Israel's claims of being a democracy were contradictory, since its Basic Law referred to Israel as a Jewish and democratic State, thus placing the interests of Jewish citizens above non-Jewish citizens. That had created the basis for a pervasive system of legal and social discrimination against the Israeli Arabs of Palestinian origin living in Israel. Israel was in no position to lecture others on the upholding of human rights, as it negated the Palestinian people's right to exist.

88. Racism was becoming more explicit in all spheres of the Israeli public arena, including by high-ranking governmental officials, army generals and even religious leaders. Some had openly called for the annihilation of Palestinians and the transfer of Palestinian people from their lands, which was equivalent to ethnic cleansing. The leader of the Yisrael Beiteinu political party had recently called for stripping a considerable number of Palestinians of their citizenship and consigning them to the Palestinian ghettoes being created inside the West Bank, and stated that any remaining Arab citizens should sign a loyalty oath to Israel as a Jewish and democratic state, or risk being expelled from Israel.

89. Also blatantly undemocratic was the Israeli military occupation of over 3 million Palestinian people in the Occupied Palestinian Territory; Israel had been openly maintaining two communities in separate residential areas in that territory with different sets of laws and rights and even separate road networks. None of that could be justified as a response to suicide bombings which had occurred after 27 years of Israeli military occupation that had killed and maimed Palestinians and robbed them of their most basic rights and their hope. It was Israel's practices and policies against the Palestinian people — and especially its denial of the Palestinian people's right to self-determination — that had created the current predicament.

90. The security justifications Israel cited had led to the killing of more than 4,300 Palestinians, and thousands more had been maimed, arrested, detained — with many cases of torture and abuse — or left homeless. Those justifications, which physically and psychologically destroyed the lives of Palestinians, could not be allowed to continue.

91. **Ms. Adjalova** (Azerbaijan), speaking in exercise of the right of reply, reiterated that her Government's position was based on international law. The delegation of Armenia should recall that Azerbaijan had been recognized by the United Nations and other international organizations as a fully fledged member within its present territory, of which Nagorny Karabakh region was an integral part. The right to the self-determination of peoples could only be realized peacefully and in accordance with territorial integrity, and did not imply the unilateral right to secession or the disintegration of sovereign States.

92. Armenians residing in Nagorny Karabakh could not be regarded as independent subjects of the right to

self-determination. The assertion that Nagorny Karabakh had never belonged to Azerbaijan was groundless under international law. Furthermore, appeals to history in the settlement of interstate conflicts were faulty, dangerous and called into question the universality of international law. Numerous official historical documents refuted the statements made over the conflict in Nagorny Karabakh. International instruments relating to the right of peoples to self-determination contained important restrictive provisions whereby that right could not be exercised in violation of the territorial integrity of States.

93. International resolutions had demanded the unconditional withdrawal of the occupying forces from all occupied territories of the Republic of Azerbaijan, the restoration of its sovereignty and territorial integrity and the creation of favourable conditions for the safe return of the displaced civilian population. They had also called for the restoration of intercommunal relations and the elaboration of the status of self-government within a democratic and legal process based on the agreement of both communities of the region.

The meeting rose at 1.05 p.m.